

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MONIQUE CROSS and AMERICA
THOMAS, on behalf of themselves and all
other persons similarly situated, known and
unknown

Case No. 18-11968

Honorable Nancy G. Edmunds

Plaintiffs,

v.

DIVERSIFIED RESTAURANT HOLDINGS,
INC.

Defendant.

_____ /

ORDER ON DEFENDANT'S MOTION TO DISMISS [38]

This matter comes before in connection with Defendant motion to dismiss Plaintiffs' complaint. (ECF No. 38.) Defendant contends that Plaintiffs' claims should be dismissed under Federal Rule of Civil Procedure 41(b) because (1) Plaintiffs have failed to participate in discovery, (2) Plaintiffs have failed to comply with the orders of this Court, and (3) Plaintiffs have failed to prosecute their claims. Plaintiffs did not file a response or otherwise oppose Defendant's motion. On July 15, 2020, the Court held a hearing in connection with the motion. Plaintiff Monique Cross appeared at the hearing and stated that she no longer intends to pursue her claims. Plaintiff Cross also indicated that she believed Plaintiff Thomas, who failed to appear for the hearing, also does not intend to pursue her claims. Accordingly, pursuant to Federal Rule of Civil Procedure 41(b), and for the reasons stated by the Court during the July 15, 2020 hearing, Defendant's motion to dismiss is hereby **GRANTED**. It is therefore **ORDERED** that Plaintiffs' claims are hereby **DISMISSED**.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: August 3, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 3, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager